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June 5th, 1959

COCOM Document No. 2869.95

COORDINATING COMMITTEERECORD OF DISCUSSIONONREVIEW OF THE STRATEGIC EXPORT CONTROLS - EXCEPTIONS PROCEDURESJune 1st, 1959

Present: Belgium (Luxembourg), Denmark, France, Germany, Italy, Japan, Netherlands, Turkey, United Kingdom, United States.

References: CH/1547, COCOM 471 (Revised), 1347, 1473, 2869.5, 2869.13, 2869.55, 2869.62, 2869.75, 2869.77, 2869.79, 2869.81, 2869.83, 2869.86, 2869.88, 2869.89, 2869.92, 2869.93, 2869.94, 3230, 3338, Secretariat Paper No. 104.

Notes to Part B (Secretariat Paper No. 104, paragraph 16).

1. The CHAIRMAN referred to his summing up of the previous meeting (COCOM 2869.94, paragraph 12) and invited Delegates to give the views of their authorities on how exceptions for items on the Atomic Energy and Munitions Lists could best be codified into the Committee's exceptions procedures.
2. The UNITED KINGDOM Delegate said that his authorities fully recognised that a different philosophy lay behind the Atomic Energy and Munitions List, it was for this reason that they were proposing prior consultation in all cases where items of these two lists were concerned (COCOM 2869.94, paragraph 8) and they felt that this was sufficient to establish them on a different basis from List I. In reply to a question from his United States colleague he said that the same time limits should apply to exceptions concerning Atomic Energy and Munitions items.
3. The GERMAN Delegate recalled that at the previous meeting he had proposed that the minimum shipments procedures should be extended, with prior consultation in all cases, to five Atomic Energy List chemicals. He had now been instructed to propose that three more Atomic Energy List items: 9 - nickel wire, 10 - woven wire mesh and 11 - nickel powder, together with two Munitions List items: 8 - powders, explosives and propellants, 13 - special armoured equipment, should be added to this list. The German authorities proposed that only the accident of definition procedure, but with prior consultation in all cases, should be applied to the Atomic Energy and Munitions Lists. They did not wish to extend the servicing procedure to items on these two lists.
4. The UNITED STATES Delegate pointed out that Munitions List Item 8 came under Category A of the Battle Act and the United States Delegation could not therefore agree in any circumstances to the export of material falling under this item.
5. The GERMAN Delegate stated that if it were confirmed that Munitions List Item 8 fell under Category A of the Battle Act he was prepared to withdraw this item.
6. The FRENCH Delegate reiterated that his authorities did not favour any list which excluded items from the agreed cut-off figures.

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7. The UNITED KINGDOM Delegate said that in order to facilitate agreement he was prepared to withdraw the proposals he had put forward in paragraph 8 of COCOM 2869.94, so that the **wording of paragraphs 13, 14 and 15 of Secretariat Paper No. 104** would apply only to List I items. He pointed out that the present procedures did not exclude the submission of Atomic Energy and Munitions List exceptions on the merits of each case and reminded the Committee that the wording for the heading he had proposed in paragraph 8 of COCOM 2869.89 made provision for "... Requests for exceptions not falling under the specific types described will be examined by the Committee on the merits of the individual cases."

8. The CHAIRMAN, after further discussion, summed up by saying that it was generally agreed that the interpretation of the present procedures did not exclude the submission of Atomic Energy and Munitions List exceptions **based on** the merits of each individual case. It was also agreed that the accident of definition procedure should be extended to the Atomic Energy and Munitions Lists with prior consultation. He suggested that Delegate should obtain the views of their authorities on the following four specific points:

- (a) The list of the Atomic Energy and Munitions List items proposed by the German Delegate (paragraph 3 above and COCOM 2869.44, paragraph 10) **for extending the de minimis procedure to certain specific items.**
- (b) The United States proposal (COCOM 2869.91) for various List I items to be excluded from the \$150 cut-off.
- (c) Customs processing.
- (d) The special Polish procedure.

9. The COMMITTEE agreed to hear the views of Governments on the four points mentioned by the Chairman in paragraph 7 above on June 9th.

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